

# UNITED STATES DISTRICT COURT

NORTHERN

District of

NEW YORK

Wagner, Michael; Ingersoll, Levi; Fenwick, Ken; Alpaugh, Sidney; and  
similarly situated individuals

## SUMMONS IN A CIVIL ACTION

V.

The County of Schenectady; Chair of the Schenectady Legislature  
Susan Savage; Schenectady County Sheriff's Office; Sheriff of the  
County of Schenectady Harry Buffardi; Undersheriff of the County of  
Schenectady Gordon Pollard; Erie County; Erie County Executive  
Chris Collins; Erie County Sheriff's Office; Sheriff of the County of  
Erie Timothy B. Howard; Superintendent of the New York State  
Police Harry J. Corbitt; Chair of the Governor's Traffic Safety  
Committee David J. Swarts; New York State Police Major William  
Sprague; New York State Police Lieutenant Daniel Larkin; New York  
State Police Sergeant Jim Halversen; Unknown New York State  
Police Troopers and agents, servants and or employees of Erie  
County, Schenectady County, the Erie County Sheriff's Office and/or t

CASE NUMBER: 1:09-CV-0652 GLS/DRH

TO: (Name and address of Defendant)

Major William Sprague  
N.Y.S. Police, Troop G Headquarters  
504 Loudon Road  
Loudenville, N.Y. 12211-1454

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Proner & Proner  
60 East 42nd Street, Suite 1448  
New York, New York 10165

an answer to the complaint which is served on you with this summons, within 20 days after service  
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you  
for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the  
Clerk of this Court within a reasonable period of time after service.

  
Clerk of Court



6/5/2009

DATE

/s/Wendy Lindskoog

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____  Date </div> <div style="width: 60%;"> _____  <i>Signature of Server</i> </div> </div>  <div style="text-align: center;"> _____  <i>Address of Server</i> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.